



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION HELD  
WEDNESDAY, NOVEMBER 13, 2019  
AT 6:30 P.M.**

**CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING**

*Chair Aspinall* called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by *Commissioner Brouse*.

**ROLL CALL**

MEMBERS PRESENT: Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: Commissioner Anderson

ALSO PRESENT: Development Services Director and Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Assistant Planner Hong, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

**APPROVAL OF MINUTES**

Moved by *Commissioner Brouse*, to approve of the minutes of the Planning Commission meeting of September 25, 2019.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Anderson*

**COUNCIL ACTIONS**

*Development Services Director Dalquest* noted there were no items to report from the City Council meetings on October 1<sup>st</sup> and October 14<sup>th</sup>. He also provided a brief follow up on the October 28<sup>th</sup> City Council Meeting, noting that the Council approved a resolution for the SB2 Planning Grant, relating to affordable housing development; and noted that at the November 11<sup>th</sup> meeting a Sidewalk Vending Ordinance was adopted.

*Vice Chair Schwary* inquired as to whether there is a limit of how many sidewalk vendors that can be in an area.

*Development Services Director Dalquest* responded to *Vice Chair Schwary's* inquiry stating that the City cannot restrict the number of vendors but that have put a 50 foot buffer and other restrictions.

**FUTURE AGENDAS**

*Contract Planning Manager Poland* indicated that the next regularly scheduled meeting on December 11<sup>th</sup> could potentially have five (5) public hearing items for commercial and residential developments; and a potential discussion related to a new Accessory Dwelling Unit ordinance.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**NOVEMBER 13, 2019**

**ORAL COMMUNICATIONS**

*Chair Aspinall* stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

*Justin Cadzow* spoke in opposition to the Amazon Distribution Center stating there are similar developments in Eastvale and Fontana and does not want this in Upland. *Cadzow* expressed concerns with traffic, future expansion/tenants, pollution, jobs and lost tax revenues.

*Irmalinda Osuna* spoke in opposition to the Amazon Distribution Center and expressed concerned with traffic, pollution and lost tax revenues. *Osuna* believes Amazon is an unethical company, a dangerous employer and has too much leverage. *Osuna* submitted an article titled "Go Back to Work; Outcry Over Deaths on Amazon Warehouse Floor" and warned about future litigation such as the Memorial Park Land Sale.

*Dede Ramella* spoke in opposition to the Amazon Distribution Center and expressed concerns with economic growth, traffic, road maintenance and loss of tax revenue.

*Cindy Phillips* submitted a flyer for the record and spoke in opposition to the Bridge Development expressing concerns regarding tax revenue, road maintenance, traffic and an outstanding EIR report.

*Carl Bunch* spoke about the Bridge Development and expressed concerns regarding the entrance and exit points on Foothill and stated Central Avenue would be a better option, and expressed concerns with the potential loss of tax revenue.

*Joel Bradley* provided an update to the event tent on the golf course and submitted a document for the record regarding noise complaints he observed. *Bradley* expressed concerns with ADA issues and outside lighting matters and asked staff to provide him with a status.

*Shannan Maust* spoke about the Bridge Development, economic development in the community and encouraged the community to attend public workshops and participate in the survey conducted by Tierra West Advisors to help direct staff on the businesses the residents want. *Maust* expressed concerns with the Bridge Development regarding sales tax income, impact on the Police Department, overall vision of the area and is looking forward to more information on the project.

*Zack Hovav* spoke in opposition to the Amazon Distribution Center and expressed concerns regarding an EIR report not being conducted.

*Glenn Bozar* spoke in opposition to the Bridge Development and expressed concerns regarding traffic impacts; street conditions; environmental effects; impact on Residents in Upland, Claremont and Montclair; questioned the timeline; and believes an EIR should be done before the project is considered. *Bozar* also expressed concerns about the loss of tax revenue, lack of vision for the project, and mentioned the City's goal of reducing greenhouse gas emissions as stated in the 2015 General Plan Action Plan.

*Steve Bierbaum* spoke about the Planning Commissioner email protocol, Planning Commission interviews, City Council authority, and spoke in opposition to the Bridge Development and provided documents for the record. *Bierbaum* expressed concerns with the undertakings at the Bongiovanni Site including business licenses and lease agreements for Upland Rock.

*Brinda Sarathy* expressed concerns for the Bridge Development regarding quality of life, traffic impacts, truck noise, street conditions, air quality, and the time-line for the project. *Sarathy* inquired whether an initial study or negative declaration has been done and properly noticed and urged the Commission or staff to consider applying for Grants such as Cal-Fire.

*Barbara Alejo* expressed concerns for the Bridge Development and expressed concerns regarding air quality, noise pollution, truck traffic, freeway conditions, water use for landscape maintenance, and loss of tax revenue. *Alejo*

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**NOVEMBER 13, 2019**

suggested a hotel might be better suited for the location and encouraged the Commission to reconsider this project.

*Carlos Garcia* requested clarification on affordable housing and low income qualifications in the City.

*Vice Chair Schwary* requested a workshop be agendized to address affordable housing in the City.

*Chair Aspinall* requested the affordable housing workshop come at the same time of the Assessory Dwelling Unit Ordinance.

*Commissioner Walker* indicated that affordable housing was briefly discussed during the ADU workshop and recommended Mr. Garcia review the minutes of the September Planning Commission meeting.

*Development Services Director Dalquest* clarified the email process and intent with regards to contacting Planning Commissioners and confirmed he has not withheld any emails from the Commission.

Noting there were no further members of the public wishing to address the Commission, *Chair Aspinall* closed the oral communications.

**PUBLIC HEARINGS**

**1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 19-06.**

The proposed project is requesting approval to establish a new restaurant, La Tapatia, with a Type 41 ABC License (On-Sale Beer and Wine) along with outdoor seating.

Project location: 152 W. Foothill Blvd., APN: 1046-051-79.

STAFF:	Jacqueline Hong, Assistant Planner
APPLICANT:	Luz De La O 17490 Arrow Blvd. Fontana, CA 92335
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public; 3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 19-06, subject to conditions of approval as set forth in the Draft Resolution dated November 13, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending November 25, 2019.

*Assistant Planner Hong* presented the details of the staff report, including background; project location, zoning, applicant proposal, Police Department input, CUP findings, floor plan, CEQA exemption, and staff recommendation.

*Juan De La O, applicant*, expressed excitement to be a part of the Upland community. He spoke about the company structure, other locations, growth and employment figures.

*Chair Aspinall* opened the public hearing. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**NOVEMBER 13, 2019**

*Vice Chair Schwary* stated excitement for the project and moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and to adopt a Resolution approving Conditional Use Permit No. 19-06, subject to conditions of approval as set forth in the Draft Resolution dated November 13, 2019.

The motion was seconded by *Commissioner Walker*

The motion carried by the following vote:

AYES: *Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Anderson*

**2. PUBLIC HEARING FOR LOCAL REGISTER (LR-19-01).**

The proposed project is requesting to designate 111 W. 17th Street to the local register of historic places. The property is within the Single-Family Residential Low (0-4 du/ac, SRF-L) General Plan Designation and Single-Family Residential RS-10,000 (RS-10) zone.

Project location: 111 W. 17th Street, APN: 1044-351-21.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Matthew Saul 111 W. 17th Street Upland, CA 91784
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation;  2. Hold a public hearing and receive testimony from the public;  3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 5, Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and  4. Move to adopt a Resolution approving Local Register No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated November 13, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending November 25, 2019.

*Associate Planner Winter* presented the details of the staff report, including General Plan designation and zoning, background, eligibility, and staff recommendations.

*Matthew Saul, applicant*, spoke about the home, and expressed excitement for living in the City.

*Chair Aspinall* opened the public hearing. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Chair Aspinall* moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 5, Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and to adopt a Resolution

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**NOVEMBER 13, 2019**

approving Local Register No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated November 13, 2019.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Anderson*

**BUSINESS ITEMS** – None.

**COMMISSION COMMUNICATIONS**

*Chair Schwary* thanked Mr. Garcia for his passion to gather the community to come to the meetings and express their opinions.

*Commissioner Walker* thanked the community for participating in the meeting, welcomed Juan and Luz De La O of La Tapatia to the City of Upland, and congratulated the Saul family.

*Chair Aspinall* inquired as to the status of the filing of the vacancies on the Commission, and the status of the discussion on short-term rentals in the City.

*Development Services Director Dalquest* indicated that both items are currently in progress.

*Commissioner Novikov* requested staff provide more details as to ongoing issues as mentioned by Mr. Bierbaum.

*Development Services Director Dalquest* indicated that staff is in the process of preparing a collective response to items communicated, however, much of the information that has been posted to social media is factually incorrect.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 7:55 P.M., to the regular meeting of the Planning Commission on December 11, 2019, at 6:30 P.M.

Respectfully submitted,

  
Robert D. Dalquest, Secretary  
Upland Planning Commission